of repute for purposes of sick leave be extended to the case of gazetted officers also.

3. Mr. George Chakyamuri.—*This Council recommends to the Government that scheme for a Service Commission now before the Government be immediately given effect to.*

10. Committee to enquire into the ill-treatment of Satyagraha volunteers by the Police.

Mr. K. Ayyappan.—*This Council recommends to the Government to immediately make an open and impartial enquiry, through a Committee consisting of official and non-official Members, into the reported beating, starving and other acts of ill treatment of the Satyagraha volunteers by the Police on 22nd and 26th Vrischigam 1109 at Ernakulam.*

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—സർ, ഇന്നിവിടെ ചോദിച്ച ചോദ്യങ്ങൾക്ക് ഗവൺമെണ്ടു പറഞ്ഞ മറുപടികൊണ്ട് സത്യാഗ്രഹികളെ പോലീസ് ഉപദ്രവിച്ചു എന്നുള്ളതിനെപ്പറ്റി ഈരാജ്യത്തെ ജനങ്ങളുടെയിടയിൽ വലിയ സംസാരമുണ്ടായിരുന്നിട്ടും ഗവൺമെണ്ട് അതിനെപ്പറ്റി വേണ്ടപോലെ അന്വേഷിച്ചിട്ടില്ലെന്നുവരുന്നുണ്ടു്. ചോദിച്ച ചോദ്യങ്ങൾക്കെല്ലാം നോട്ടീസു, നോട്ടീസ് എന്ന മറുപടി പറയുകയാണു ചെയ്തതു്. ഇങ്ങിനെ "നോട്ടീസ്" എന്നുപറഞ്ഞു ഒഴിയുവാൻ പാടില്ലാത്തമാതിരി എപ്പോഴും അവരുടെ കയ്യുടെ തുമ്പിൽ ഇരിക്കേണ്ട സംഗതികളും സംബന്ധിച്ചും ഇപ്രകാരമാണു ഗവൺമെണ്ടു് മറുപടി പറഞ്ഞതു്. അതു വളരെ കഷ്ടമെന്നെ പറയാനുള്ളു.

പൊലീസ്സിന്റെ മർദ്ദനം നടന്നു എന്നു സ്ഥിരീകരിച്ചിട്ടുകൊണ്ടുവരുന്ന ആശ്ചര്യമല്ല ഇതു. രാജ്യത്തെ സകല പത്രങ്ങളിലും മർദ്ദനം നടന്നതായി റിപ്പോർട്ടു് ഉണ്ടായിരുന്നു, മർദ്ദനം നടന്നില്ലെന്നു ഒരു പത്രത്തിലും റിപ്പോർട്ടു് കണ്ടില്ല. മർദ്ദനം നടന്നില്ലെന്നു ഗവൺമെൻറിനു ബോദ്ധ്യമായിരുന്നു എങ്കിൽ പത്ര റിപ്പോർട്ടുകളെ ഖണ്ഡിച്ചു പ്രസ്താവമുണ്ടാക്കു് ഗവൺമെൻറു് പരസ്യംചെയ്യേണ്ടിയിരുന്നു. അങ്ങിനെ ഗവൺമെൻറു് ചെയ്തിട്ടില്ല. ഇങ്ങിനെയുള്ള സംഭവങ്ങളെപ്പറ്റി അന്വേഷിക്കേണ്ട ചുമതല ഗവൺമെൻറിനും പൊതുജനങ്ങൾക്കും ഒരുപോലെയുണ്ടു്. അങ്ങിനെ ചെയ്തില്ലെങ്കിൽ ആളുകൾക്കു അവരുടെ ശരീരവുംകൊണ്ടു നടക്കുവാൻ നിവൃത്തിയില്ലാത്ത സ്ഥിതി രാജ്യത്തു വരും. ഇപ്പോൾ നടന്നു എന്നു പറയുന്നമാതിരി മർദ്ദനങ്ങൾ മേലാൽ നടക്കാതിരിക്കാൻവേണ്ടിയെങ്കിലും അന്വേഷണം ആവശ്യമാണു്. കുറെ മുമ്പെ പെരിങ്ങോട്ടുകരെവെച്ചു തിപ്പയാർ പാറ പോകുമ്പോൾ വേലിക്കകത്തു അതു കണ്ടുകൊണ്ടുനിന്നിരുന്ന ഈഴവരെ പട്ടാളക്കാർ വേലി പൊളിച്ചുചെന്നു മർദ്ദിക്കയുണ്ടായി. അതിനെപ്പറ്റി പോലീസ്സിൽനിന്നു അന്വേഷിച്ചു അന്വേഷിച്ചു അതു എങ്ങി

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നെയൊ പോയി. അതിൽപിന്നെയാണ് എറണാകുള ത്തെ മട്ടനം ഉണ്ടായതു. അതുകഴിഞ്ഞശേഷം തുപ്പുണിത്തുറയാ യി. ഇങ്ങിനെ മട്ടനങ്ങൾ തുടരുകയാണെങ്കിൽ ജനങ്ങൾക്കു എ ന്താണ് രക്ഷ. അതുകൊണ്ടാണു അനേഷണം വേണ്ടതാണെന്നു പ്രത്യേകം ആവശ്യപ്പെടുന്നതു. പോലീസ്സിന്റെ മർദ്ദനത്തെപ റ്റി അനേഷിക്കുവാൻ പറയുന്നതു ശവമ്മെണ്ടിനേയൊ പോലീ സുകമ്മീഷണരേയൊ ചീത്തയാക്കുവാൻവേണ്ടിയാണെന്നു ശവ മ്മെണ്ടു തെറ്റിധരിക്കരുതു്. ശവമ്മെണ്ടിന്റെ ഉദ്യോഗസ്ഥന്മാ രിലും മറ്റും ആരെങ്കിലും കുറ്റം ചെയ്താൽ ആ കുറ്റം അനേഷി ച്ചറിഞ്ഞു കുറ്റക്കാരെ ശിക്ഷിക്കേണ്ടതു ശവമ്മെണ്ടിന്റെ നല്ലപേ രിന്നതന്നെ ആവശ്യമാണ്. കുറ്റമില്ലെങ്കിൽ അതു പൊതുജന ങ്ങളെ ധരിപ്പിക്കുവാനും ഈ അനേഷണം ഉപകാരപ്പെടും. ഒരു യൂറോപ്യൻ രാജ്യത്തു ഇങ്ങിനെയുള്ള സംഭവം നടന്നാൽ അതി നെപ്പറ്റി ഒന്നും ചെയ്യാതെ അടങ്ങിയിരിക്കുവാൻ അവിടെ ജന ങ്ങൾ ശവമ്മെണ്ടിനെ അനുവദിക്കയില്ല.

ശവമ്മെണ്ടിനെ തോല്പിക്കാൻ വേണ്ടിയാണ് ഈ നിശ്ചയം അവതരിപ്പിച്ചിരിക്കുന്നതെന്നു ആരും തെറ്റിധരിക്കരുതെന്നു എ നിക്കു പ്രത്യേകം അപേക്ഷയുണ്ടു്. ശവമ്മെണ്ടിന്റെ ശക്തികുറ ക്കണമെന്ന അഭിപ്രായം എനിക്കില്ല. ശവമ്മെണ്ടിന്റെ ശക്തി കുറഞ്ഞാൽ ജനങ്ങൾക്കു രക്ഷയില്ലാതാകും, നിയമലംഘനത്തി നു ഞാൻ അനുകൂലിയല്ല. നിയമലംഘനം സമ്മതിച്ചു കൊടു പ്പാൻ ഒരുശവമ്മെണ്ടിനും സാധിക്കയില്ല. നിയമലംഘനത്തെ അമർത്തേണ്ടതു ശവമ്മെണ്ടിന്റെ ചുമതലയാണ്.. എന്നാൽ അ ങ്ങിനെ ചെയ്യുന്നതിൽ അതിരും നിയമവും കവിഞ്ഞു ഒന്നും ചെയ്യു വാൻ ശവമ്മെണ്ടിനു അധികാരമില്ലാത്തതാണ്. അങ്ങിനെ അതിരുകവിയൽ സത്യാഗ്രഹികളെ മട്ടിച്ചതിൽ വന്നുപോയിട്ടു ണ്ടെന്നാണ് പൊതുജന വിശ്വാസം. അതു അനേഷിക്കണമെ ന്നാണ് ഞാൻ ആവശ്യപ്പെടുന്നതു്.

മിസ്റ്റർ ടി. കെ. നായർ.—ഈ ഒരു സംഭവം ഇവിടെ നട ന്നിട്ടുള്ള സംഗതിയെപ്പറ്റി കൊച്ചിയുടെ തലസ്ഥാനത്തുനിന്നുവ ളരെഅകലെഇരിയ്ക്കുന്ന ഞങ്ങൾക്കു് വർത്തമാനപത്രങ്ങൾമൂലമാണ് അറിവുകിട്ടീട്ടുള്ളതു്. ഇതിനെ സംബന്ധിച്ചു് ഞാൻ ഈകൌൺ സ്സിലിൽ വരുന്നതുവരേയും മറിച്ചു് ഒരു വിധത്തിൽ ആരും പറ ഞ്ഞുപോലും കേൾക്കാത്തതു കൊണ്ടു് ഇതെല്ലാം പരമാർത്ഥമാണെ ന്നാണ് ധാരണയുണ്ടായിരുന്നതു്. ഇവിടെ വന്നതിന്നു ശേഷം പൊവ്വാഴ്ചയും ഇന്നും ശവമ്മെണ്ടു് ഈവിഷയത്തിൽ പറഞ്ഞമറുപ ടിയിൽ ഇങ്ങിനെ യാതൊരു സംഭവവും ഇവിടെ യുണ്ടായിട്ടില്ലെ ന്നാണ് എനിയ്ക്കു മനസ്സിലായതു്. സത്യാഗ്രഹവാളണ്ടിയറന്മാ രെ അറസ്റ്റു ചെയ്യുവെന്നു മാത്രമല്ലാതെ അവരെ തല്ലിയെന്നൊ

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മട്ടിച്ചുവെന്നൊ പറയുന്നതൊന്നും വാസ്തവമല്ല; അതെല്ലാംവെറുംനുണയാണെന്നു് ഗവമ്മെണ്ടു് ഭാഗത്തുനിന്നും പറയുകയുണ്ടായി. വേറെ ഒരു ഭാഗത്തുനിന്നു്—പബ്ലിക്കിൽനിന്നും ഗവമ്മെണ്ടു സത്യഗ്രഹികളെ മർദ്ദിച്ചുവെന്നു വിളിച്ചുപറയുന്നു. ഗവമ്മെണ്ടു് പറയുന്നു ഇങ്ങനെയുള്ള ഒരു സംഭവം ഉണ്ടായിട്ടില്ലെന്നു, വർത്തമാനപത്രങ്ങളിൽ പറയുന്നു ഗവമ്മെണ്ടിന്റെ ഇന്നത്തെ മറുപടി വെറും നുണയാണെന്നു്. ഇതു പരമാർത്ഥത്തിൽ ശരിയായ ഗവമ്മെണ്ടിന്റെ ധർമ്മമല്ല. ഗവമ്മെണ്ടിന്റെ സ്ഥിതിയെ വെളിവാക്കിതരുവാൻ വേണ്ടിയെങ്കിലും എന്തെങ്കിലും ഒരു പ്രവൃത്തി ഈ വിഷയത്തിൽ ഗവമ്മെണ്ടിനു ചെയ്യാമായിരുന്നു. അതും ഇതുവരെ ഗവമ്മെണ്ടു് ചെയ്തുകണ്ടില്ല. ഇപ്രകാരം പോലീസ്കാരേപ്പറ്റി ആക്ഷേപിച്ചു പത്രങ്ങളിൽ പ്രസ്താവിയ്ക്കുന്ന അവസരത്തിൽ അതിനെക്കുറിച്ചു് ബലമായ ഒരന്വേഷണം നടത്തി അതിന്റെകാരണഭൂതന്മാരെ കണ്ടുപിടിച്ചു് തക്കതായി ശിക്ഷിയ്ക്കയൊ അല്ലാത്തപക്ഷം വർത്തമാന പത്രങ്ങളിലെ പ്രസ്താവനകൾ അബദ്ധമാണെങ്കിൽ ഉടനെതന്നെ ഒരു പ്രസ്താവമൂലം ഇഷ്ടപ്പെടുത്തുകയൊ ചെയ്തു് പബ്ലിക്കിനെ അറിയിയ്ക്കാമായിരുന്നു. അങ്ങിനെയുള്ളതായൊന്നും ഇതുവരെ ഗവമ്മെണ്ടു ചെയ്തില്ല. ഇക്കാര്യത്തിൽ വകുപ്പദ്ധ്യക്ഷന്മാർ നിരപരാധികളാണെന്നു് ഞങ്ങൾക്കും ഒരുമാതിരി അറിയാം. കൊച്ചി രാജ്യത്തെ പ്രജകളുടെ നേതാവായ ദിവാൻജിയ്വർകും വളരെ നല്ലമനസ്സുള്ള ആളാണു്. പോലീസു കമ്മീഷണരും നല്ലമനസ്സുള്ള ആളാണു് എന്നുള്ളതെല്ലാവർക്കും അറിയാം. അതുകൊണ്ടു കാര്യമില്ല. ഇതിൽ ശുദ്ധമനസ്സും നല്ലമനസ്സും ഒന്നുമല്ലവേണ്ടതു്. ഞങ്ങൾക്കു മർദ്ദനംകൊണ്ടു സഹായ്ക്കുവയ്യ. അതിനെന്തെങ്കിലും ഒരുനിവാരണം ഉണ്ടാക്കണമെന്നാണു് ഞങ്ങൾആവശ്യപ്പെടുന്നതു്. ഞങ്ങളുടെ നാട്ടിലും നല്ലമനസ്സും ശുദ്ധമനസ്സുംഉള്ള ആളുകൾ ധാരാളമുണ്ടു്. അതിലേയ്ക്കു അന്യനാട്ടിൽനിന്നും ഒരാളെ കൊണ്ടുവരേണ്ട ആവശ്യമില്ല. രാജ്യം ശരിയ്ക്കുഭരിയ്ക്കുവാൻതക്ക ശേഷിയുള്ള നേതാക്കന്മാരാണു് നമുക്കുവേണ്ടതു്. പ്രജകളോടായാലും ഉദ്യോഗസ്ഥന്മാരോടായാലും അവർ ചെയ്യുന്ന അഴിമതികളേയും ആഭാസങ്ങളേയും എല്ലാം ഉടനെ നിഗ്രഹിച്ചു നശിപ്പിയ്ക്കുവാൻ തക്കശക്തിയും സാമർത്ഥ്യവുമുള്ള ഒരു ദിവാൻജിയാണു് നമുക്കുവേണ്ടതു്. ഉദ്യോഗസ്ഥന്മാർ എന്തെങ്കിലും തെറ്റുചെയ്തിട്ടുണ്ടെങ്കിൽ അതിനെ ക്ഷമിയ്ക്കയും ബാക്കിയുള്ളവർ എന്തെങ്കിലും തെറ്റുചെയ്താൽ അതിനെ അമർത്തുകയും ചെയ്യണമെന്ന വിചാരിയ്ക്കുന്നതു് ശരിയായ ഒരു ഭരണനേതാവിന്റെ ധർമ്മമല്ല. ഇതിനെ സംബന്ധിച്ചു് ഇതുവരേയും ഗവമ്മെണ്ടിൽനിന്നും യാതൊന്നും പ്രവൃത്തിച്ചുകാണാത്തതുകൊണ്ടും, ഗവമ്മെണ്ടിൽ

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നിന്നും പറഞ്ഞ മറുവടി മുഴുവൻ അവരുടെ സ്ഥിതി പുറത്തു കാണിയ്ക്കാതെ കഴിയ്ക്കുവാൻ വേണ്ടി പറഞ്ഞിട്ടുള്ളതാക കൊണ്ടും ഇങ്ങിനെ ഒരു പ്രമേയം അത്യാവശ്യമാണെന്നു പറയാതെ നിവൃത്തിയില്ല. ഉദ്യോഗസ്ഥന്മാർക്കും തന്നെ ജെയിൽ റൂൾസ് എന്താണെന്നു ചോദിച്ചാൽ യാതൊരറിവുമില്ല. ഇങ്ങിനെ യാതൊരു ശവമ്മെണ്ടു നടപടികളും അവർക്ക് അറിഞ്ഞുകൂടായെന്നു പറയാതെ നിവൃത്തിയില്ല. നിങ്ങൾക്കതൊന്നും അറിഞ്ഞുകൂടെങ്കിൽ പിന്നെ ഞങ്ങൾക്കറിയാമോ? ശവമ്മെണ്ടിനോടു ജനങ്ങൾക്കു അതിരറ്റ വിശ്വാസമുള്ളതിനെ തീരെ ഇല്ലായ്മ ചെയ്യുന്ന ഒരു പ്രവൃത്തിയാണ് ഇപ്പോൾ കാണുന്നതു്. ഇതിൽ ഉദ്യോഗസ്ഥന്മാരാരും തെറ്റുകാരല്ലെന്നു തെളിയിയ്ക്കുവാനുള്ള ഒരു പ്രധാന ചുമതല ശവമ്മെണ്ടിനുണ്ടു്. സാധാരണ മെമ്പറന്മാർ ഇവിടെ കൊണ്ടുവരുന്ന പ്രമേയങ്ങളെല്ലാം തന്നെ തള്ളിക്കളയുന്നതുപോലെ ഏറ്റവും വാശിയോടു കൂടി കൊണ്ടുവന്നിട്ടുള്ള ഈ പ്രമേയത്തെ തള്ളിക്കളയുന്നതു ഒട്ടും സുഖമായിരിയ്ക്കയില്ല. ഇതു കൊച്ചി ശവമ്മെണ്ടിന്റെ പ്രസ്റ്റിജിനെ നിലനിറുത്തുവാൻ വേണ്ടിയുള്ള ഒരു സംഗതിയാണു്. പത്രങ്ങളിൽ കാണുന്ന ആക്ഷേപം ശരിയാണോ? ഉദ്യോഗസ്ഥന്മാർ വല്ലതും തെറ്റു ചെയ്തിട്ടുണ്ടോ എന്നു ശവമ്മെണ്ടിനും ജനങ്ങൾക്കും നോക്കേണ്ട ചുമതലയുണ്ടു്; അങ്ങിനെ ഒരന്വേഷണം ശവമ്മെണ്ടു് ഇതുവരെയും നടത്താതിരുന്നതുകൊണ്ടാണു് ഇങ്ങിനെ ഒരു പ്രമേയം ഇവിടെ കൊണ്ടുവരുവാനിടയായിട്ടുള്ളതു്. ഇനി മേലാലെങ്കിലും കഴിയുന്നതും വേഗത്തിൽ ഇതിലേയ്ക്കു് ഒരു കമ്മിറ്റിയെ നിശ്ചയിച്ചു് അന്വേഷണം നടത്തി തല്സ്ഥാനം വിട്ടു പുറമെ താമസിയ്ക്കുന്ന ആളുകളെ ശവമ്മെണ്ടിന്റെ സ്ഥിതി എന്താണെന്നറിയിയ്ക്കണമെന്നുള്ള അഭിപ്രായത്തോടു കൂടി ഞാൻ ഈ പ്രമേയത്തെ ബലമായി പിൻതാങ്ങുന്നു.

Mr. A. Sankara Poduval.—Sir, I am sorry I cannot find my way to accept the principle of this resolution now. The Member for Pazhayannur put it on the ground of Government prestige. I too put it on the ground of Government prestige. There have been accounts published in the papers of the alleged ill-treatment of the volunteers, but from the answers given on behalf of Government to-day we find that there was no such ill-treatment at all. That is the Government's point of view. We understand that there were among these prisoners many respectable men, men who know what to do if they were ill-treated. We do not find any complaint lodged by them. Government apparently made enquiries and found that there has been no ill-treatment. There has been no complaint from anybody, and no

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cases filed in courts. And is Government prestige going to be vindicated in circumstances like these by another enquiry?

I also think that as a matter of principle Government should not be asked to conduct an enquiry now because as a sort of compromise the whole affair seems to have been settled and what is the fun of reopening it now? If there had been any grievance the compromise would have been effected, with the necessary reservations. So that upon these two grounds, although I am not in favour of police excesses being condoned to any extent whatsoever, I oppose the resolution.

Dr. A. R. Menon.—What are those two grounds.

Mr. A. Sankara Poduval.—On the ground that the Government's position is that there has been no ill-treatment, to assail which there has been no written complaint from these Satyagrahis; and secondly on the ground that the matter has been compromised out of court and proceedings dropped. What is the fun of asking the Government to conduct an enquiry now? That would occassion Government's prestige being lowered in the eyes of the public. I should not be misunderstood that I am standing for the police excesses it is just the other way. These two facts seem to me to be standing obstacles in the way. I should consider that the Government's prestige would be lowered by an enquiry being conducted in the circumstances pointed out and I am therefore constrained to oppose this resolution.

Dr. A. R. Menon.—Sir, to this question there are three parties. The police think that the whole blame is on the Satyagrahis. The Satyagrahis think that the whole blame is upon you, and we do not belong to any category. No one is more anxious than we are to enunciate the fundamental principle of Government that it is the primary duty of the Government to sustain law and keep order and if necessity arises to use force for the maintenance of peace. The moment the Government fails to maintain peace that Government becomes a negation of Government. Therefore while we are anxious that justice should be done to one and all we do not subscribe to the view that any section of the community by taking the law into their own hands or by taking an attitude, should compel the Government to come round. With such a party we do not propose to sympathise. We concede the point that the police are the hands of the Government and it is their duty to carry out the orders of Government. It is not for them to decide whether the order is legal or illegal. Their sole business is to obey the order and carry out the instructions of the Government. And in carrying out the instructions if force is to be used they are there to use force. They are given the necessary implements to use force. The mere fact

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that they are given lathis, guns, bayonets, is an indication that the force has an inherent right to use force, when ordered by Government to do so. So far we concede. There is no question about the legality of the action of the police if it is only in carrying out the orders of the Government provided that they shall not use more force than is absolutely necessary for the execution of their duties. In case it has been shown that they have used more force than is necessary to carry out the instruction, then I submit they have gone beyond the limit and the public have a right to expect an unconditional apology from the force. I say apology because it is very difficult on the spur of the moment to differentiate the minimum force and a force that is exactly a little beyond. Therefore I advisedly use the word 'apology'. But if these people are arrested kept in lock up and assaulted, then I say both legally and morally the force is to be condemned. They shall render an account for such an assault because they are not empowered to do so either legally or from the stand point of moral ethics. The force that is said to be used is to carry out the order of the Government. I think Government has not issued an order that they shall be assaulted. I do not say that my Hon'ble friend's force has done it. What I say is if it can be proved that the prisoners are assaulted, after arrest, then I submit it is a blackmark on the force and the force has to render an account for their behaviour. That is our position.

We heard a lot about prestige. What is prestige? Prestige is not suffered because you allow yourselves to be examined by another person when a charge is proved. A charge is proved against the policy force. It may be true or it may not be true. All the assertions from the Hon'ble Police Commissioner downwards, from the Hon'ble Secretary downwards, the mere assertion repeatedly asserted will not carry more weight than the assurance of these gentlemen, that the police men have used force. I am not disposed to take either view. I am not prepared to subscribe that all the statements made by the Satyagrahis are true. I am not also prepared to believe that the police are angels. I say you are not entitled to do anything within the precincts of the jail. That is all we are able to do. We want to know if you are innocent. Would it not increase your prestige after an enquiry? Generally speaking, knowing the police force as I do—I know the force as much as anyone else—they are a well—behaved body. I make this statement deliberately. I had occasion to come in contact with them and generally speaking they compare favourably with any police force in India so far as their dealings with the general public is concerned. Why not establish that testimonial? Why not you establish it by an enquiry substantiating your

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innocence and at the same time proving the unfounded charges levelled against you by the Satyagrahis ? Is it losing prestige ? You gain moral authority by proving this which you would never get by simply repeating the words prestige, prestige. Prestige is that gained by doing what is right and proper. My Hon'ble friend has a peculiar idea about the meaning of the word prestige and his conception of prestige is very strange and I believe it is only held by you and no one else in this House.

He has raised a second point.—Nothing happened, a compromise has been effected. If nothing happened what is the necessity for a compromise ? I am surprised to find that a gentleman of such legal acumen should say that nothing has happened and why ? Because the Police Commissioner has represented that nothing has happened. And he says further that a compromise has been effected. A compromise on what? Something must have happened. And both the parties came to the conclusion that instead of fighting any further it is better that we effect a compromise. We will be in deeper waters and it is better that you shall not proceed against us and we shall not complain against your action. We can understand that. But where nothing has happened and a compromise has taken place, this is the first time I have heard in my life. This is the position and I may say also that we at this time repeatedly requested the Satyagrahis that they should not undertake the movement. We even undertook to approach the Diwan to effect a reasonable compromise provided they give a very mild form of apology. They have bungled and mismanaged the whole thing. They wanted to increase the price of the cocoanuts, they wanted to increase the price of paddy and so many things. How can the Cochin Government or any Government do that. I advised them to ask for a reduction, reduction in revenue, reduction in school fee and such other things. But all these fell on deaf ears. The Hon'ble Secretary will bear testimony that I came all the way from Trichur so that the correspondence may be expedited. I have no sympathy whatever with the Satyagraha movement. They have wronged wilfully inspite of better advice. In the matter of force that you used in dispersing them I have no complaint. If you have assaulted them in jail then it is your duty to express your regret or make such reparations that are possible. This is my view and a number of my friends also hold this view.

Mr. P. Nilakanta Menon.—Sir, before I attempt to answer the charges levelled against the police, I must congratulate the Hon'ble Members on the admirable manner in which the debate was conducted. The speeches of the Hon'ble Members

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who took part in the debate were characterised by moderation and restraint. It is exceedingly gratifying to observe that the case against the police has been placed before the House in the most inoffensive way. But I have not the least doubt that when once the House is in possession of the real facts of the case, the House will vote against the Resolution without any hesitation.

It is far from the truth to say that the volunteers have been tortured by the police. I do not say that no force has been used. Sir, let me state the facts. The police had to deal with the volunteers on 2 occasions only. The first was on the 7th December. What they did on that day was this. A set of about 30 volunteers landed to the south of the Diwan's Bunglow and marched on to the place shouting seditious slogams. The police patrol parties tried to make them understand that their action was unlawful and so commanded them to disperse. But they took no notice of it. They even tried to make a forcible entry into the premises. When the sentry at the Diwan's gate threatened to charge the men if they entered the premises, some of the volunteers tried to scale the wall of the compound. The police prevented this and tried to take away the black flags from them to which they offered resistance and even attempted to assault the police officers. When these volunteers began to use force, they were arrested and taken to the police station. As the volunteers were behaving rather with a spirit of rowdyism, the police had to use some force to keep them under arrest and I assure the House that no more force than was absolutely necessary was used on the occasion and I submit the police were legally entitled to do so in the discharge of their duties.

The second occasion was on the 11th December. On that day 2 batches of volunteers of about 20 men in all came to the Diwan's bunglow to offer Satyagraha. As they also refused to disperse on the command of the police, they were sent away by force. Most of them were young boys and they confessed that they were hirelings who were induced to join the propaganda. They promised to quietly return home if allowed to do so and to refrain from such activities in future. Their names were noted down and they were sent back to Cranganur. Here again, I assure the House that only the minimum force essential for dispersing the members of the unlawful assembly was used on this occasion also.

These are the real facts and the subsequent story of police torture is a myth. The Satyagrahis themselves had no such complaint at the beginning. On the 7th December, the District Magistrate and the D. S. P. had been to the police station to interview the Satyagrahis who were arrested on that day. No complaint was made to them. No written or oral complaint was

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made to the authorities either by the volunteers or their relations who were given all facilities to interview the prisoners in the station immediately after the arrest and on subsequent days. It is also significant that even the volunteers who were sent home with a warning on the second occasion did not care to put in any complaint.

Dr. A. R. Menon—Did they prefer any complaint to the Superintendent of Police?

Mr. P. Nilakanta Menon.—No. Neither the District Superintendent of Police nor the District Magistrate had received any complaints. I also did not receive any complaint even though I was camping at the place. Thus the only conclusion that can be arrived at from the facts disclosed is that the alleged police torture is an after thought invented to discredit the authorities. There is absolutely no foundation for such a complaint. If there had been any truth in it, the matter would have been brought to the notice of the authorities concerned immediately after the incidents and it cannot be said that the volunteers had no opportunities to make such complaints if they really wanted to do it. I submit that the absence of complaints at the proper time can only lead to the conclusion that there was nothing unusual in the conduct of the police. There was also another circumstance which would go to disprove the story of police torture beyond any doubt. There was a settlement of the whole affair at the instance of the Satyagrahis. They approached the Diwan with a request that they would tender an apology for their past conduct and that the cases against them should be withdrawn. On this occasion also there was no talk of police torture. It is only natural to suppose that if there was any truth in the alleged police torture, the arbitrators who interviewed the Diwan in this connection, would have mentioned this fact to him, and the Diwan would have certainly promised an enquiry in the matter. But the fact that this point was not pressed and not even mentioned at the time of the settlement shows conclusively that the Satyraghis had no such case.

There only remains one more point to be answered and that is, that no action is seen taken by the authorities, although there have been allegations of police torture in some of the Newspapers. I submit there is no point in taking notice of these exaggerated accounts in the absence of any complaint from the aggrieved parties. I can quite understand if the allegation was that, in spite of the complaints made to the authorities on the spot no action was taken. But here most of our officers were at the station on those particular days and they were in touch with the events. Both the Magistracy and the Superior officers of the

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Police Department were on the spot and they were satisfied that there was no misbehaviour on the part of the police. On the other hand, they felt, that the police handled the very difficult situation very tactfully. It is not a case where a few constables are left to act for themselves without any proper control in a distant mofussil place. The patrol parties were in charge of responsible officers who would never have countenanced any high-handed act on the part of their subordinates Besides, the District Magistrate has been making informal enquiries to find out if there was any complaint from the Satyagrahis. As said already, he and the local Magistrate did not receive any complaint though they interviewed the prisoners several times. In the face of these circumstances, the authorities were forced to come to the conclusion that the newspaper reports were unfounded and no action was called for.

I have thus shown conclusively that the alleged police torture is entirely unfounded and was invented to cast a slur on the police who handled a very difficult situation very tactfully. I may submit on behalf of the Government that it is not their intention to screen any police officer and they will not tolerate any police excess. But at the same time, the police are entitled to protection from unfounded and malicious criticism. In this particular instance, the Government feel that the police have been maligned unnecessarily and without any provocation and the Government are therefore obliged to protest against it. In their view, the police have acted with moderation and restraint in this affair. In the circumstances it is preposterous to suggest that a committee of enquiry consisting of Officials and non-officials should be created to enquire into their conduct. Such an enquiry is unheard of in any civilised country and such a step will only encourage wanton agitators and discourage police officers in the discharge of their legitimate duties. I would therefore request the House to vote against the resolution.

Mr. M. K Raman.—It is reported in the papers that some of the boys arrested on the second day had some marks of injury on their bodies, that they went to the hospital for treatment and that they were refused admittance.

Mr. P. Nilakanta Menon.—I have no knowledge,

Dr. A. G Menon.—The committee will contain not only non-officials, but officials also.

Mr. P. Nilakanta Menon.—It is very rarely done in a civilised country.

Mr. M. K. Raman.—It is reported in some papers that some complaints were made to medical officer when he inspected the jail.

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Dr. D.Raghavendra Rao.—I had been to the Central jail and none of them told meanything.

Mr. George Chakyamuri.—Sir, I wish to add a few words to the discussion that is going on. After hearing both sides I have come to the conclusion with Dr. Johnson that much can be said on both sides. One thing has to be stated and that is the Satyagrahis were misguided and they behaved most foolishly. One fact has to be seriously remembered and that is they came and offered Satyagraha on a day on which His Excellency the Viceroy was the honoured guest of the State and they offered Satyagraha at the gates of the Diwan as a sort of insult to the Government as wellas to the honoured guests who were coming on that day. Everybody knew that the Diwan was trying his level best to explore every avenue to give relief to the suffering agriculturalists. The Government was moving night and day to find out some solution to these difficulties. Then what were the complaints of the e Satyagrahis? The price of paddy is very low and the price of cocoanut is very low. Is the Government responsible for it? The Government did nothing to lower the price of cocoanut or paddy. The depression came in its own wake; On the day of the visit of His Excellency the Viceroy, to goand offer Satyagraha at the gates of an officer who was trying his best to do something for the people is the highest insult andingratitude I can think of. I am sure that every right thinking citizen should only support the Government in a situation like this. What was the next thing to be done? I certainly wouldnot expect the police to make love with this body of men who come with black flags and singing revolutionary songs and openly challenging the Government. I would certainly expect an amount of force to be used in disbursing such a people and establish law and order in the country. But I have to say that all that has been stated here by the Government is not the whole truth. The police went to excesses and that fact cannot be denied or hidden. We were also here and not only the Commissioner and D. S. P.s. I am living quite close to the scene of offence and information has reached me to the effect that the Police used force and that they exceeded in using force. But whatI have to say is that in a situation like this some times it may not be possible to use that amount of force which is absolutely essential. It is quite likely that when force is exercised they go to excesses. I can perfectly understand that position. What happened was they were all arrested there and marched to the jail, andthe conduct of the Police on their way to the jail was to say the least most reprehensible. These people were beaten. It must be deliberate mistatement on the part of

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the Government if they say that they did not do it. (*Shame*). Small boys were mercilessly beaten. Some of them tried to run away from the line and they were dragged back to the line and beaten. But I would say all these things have happened and as my Hon'ble friend, the Member for Trichur said, it is a very unhappy incident and we all regret it. It was not right on the part of the Satyagrahis to have indulged in this compaign on such an auspicious occasion. It was wrong for the police to have indulged in such excesses. Anyhow, let bygones be bygones. Let us forget the past. Let it be a lesson for the future. We have been getting on in Cochin without any Satyagraha. There is no question of home-rule here. We have no necessity for non-co-operation and Satyagraha. We have no necessity to drive over Government away. Then look at the awkward position to which the Diwan was dragged. At the time of the visit of His Excellency the Viceroy there were 20 or 25 Police officers to guard his gate. I ask what has he done to deserve this insult? The Satyagrahis were misguided. In spite of all that, the Diwan was kind enough to settle the matter and let these people go. I daresay that before this settlement was effected this aspect should certainly have been brought to his notice. Anyhow, the Diwan was kind enough to accept the apology and have the matter closed. Let us leave it where it is. With these few words I resume my seat.

Mr. P. Kumaran Ezhuthassan.—Sir, I rise to support this resolution. The opposition to this proposition coming from a section of the non-official side as well as from the Government side is only to the effect that if really there were excesses, complaints would have been preferred to the District Magistrate when he visited these under-trial prisoners or later on when a compromise was effected. That and that alone is the burden of the song from the side which oppose this innocent resolution. For reasons which we can think of complaints would not have been made to the District Magistrate or to the Superintendent of Police or to the Commissioner of Police at the time they visited the sub-jail or the central jail. The condition in which these prisoners were placed, their mentality at the time, the training of the Satyagrahis, all these have to be taken into consideration when we say that the mere absence of the complaint from these prisoners is the criterion to test that as a matter of fact no excesses have been practised by the Police. I would ask the authorities concerned whether as a matter of fact they were pleased to ask any of these under-trial prisoners whether they were assaulted by the Police or whether any excess force was used by them as reported in the papers. I don't think that either in the answers

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given to us in the morning or in the official reply that was given to us by the Hon'ble Member for Police there is any whisper of any such question having been put to these volunteers when the authorities concerned visited the jails. If the Government could say that even on these volunteers being questioned they were silent that would have made their position stronger. The Government was pleased to state that on none of the occasions these persons did make any complaint. But that certainly is not the test to decide whether really there was excess or not.

Then coming to the resolution itself, what is there in it. It reads as follows:—"This Council recommends to the Government to immediately make an open and impartial enquiry, through a committee consisting of official and non-official Members, into the reported beating, starving and other acts of ill-treatment of the Satyagraha Volunteers by the Police on 22nd and 26th Vrischigam 1104 at Ernakulam." The position is this: From the various answers given espicially to-day it is seen that from the Government standpoint the acts reported in the papers were not true. That is the Government version. There is the other version as we gathered from the reports in the papers that such excesses were used. Therefore, is it not reasonable and fair that we should conduct an enquiry and make the people aware of the true state of things? Reports saying that the Satyagrahis were ill-treated were seen in almost all papers within the State and in a few papers outside the State. I ask whether what is requested through this resolution is not a solution to uphold the position of the Government. Why should they shirk it, I ask. What is asked through this resolution is to appoint a committee of officials and non-officials. Official Members are also included. Yesterday when we moved for the appointment of a retrenchment committee of non-officials the objection put forward by the Government was that it was purely a non-official committee. Not so in this. Both sides could be represented and if through such a committee a report could be had as to whether the reports in the papers were true or not that would strengthen the position of the Government. In the attitude taken by the Government that these reports are all lies, the present hesitation of the Government to accept the resolution is certainly not the right sort of thing. The District Magistrate has been going to the Station and no complaint was forthcoming. To say that therefore the police did not use any excess force is not a logical position. The other questions are irrelevant to the issue. Whether the Satyagraha itself is proper, whether the day, i, e., the day on which His Excellency visited the State, is the proper day, whether the place selected by them, i. e., the Diwan's House, is the proper place to offer Satyagraha, they are not

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questions relevant to the issue. There are reports in the papers alleging certain things. There is the Government version given through the various answers that they are all lies. Then why they not go into the question through an impartial committee and vindicate the position of the Government. It is an innocent proposition which the Government may be pleased to accept in toto and vindicate their own position. With these words I support the resolution.

Mr. K. Mohamed Seethi —Sir, in supporting this resolution I am convinced to remark that it was a resolution on which I did not propose to speak at all for the simple reason that one of the victims of the alleged ill-treatment happened to be my own brother, and I thought my pleading might be looked upon as a kind of special pleading. But in view of the remarks of certain members on the non-official side I am convinced to make the position clear as I am expected to be more closely intimated with the facts that relate to this unfortunate occurrence. The point that the Satyagrahis had no grievance about the merciless ill-treatment that they were subjected to is absolutely false as far as I can see because I have very definite information—information which I cannot disbelieve unless there is strong rebutting evidence,—that they made a complaint of all the acts of ill-treatment to the District Magistrate and made a written complaint even to the local Magistrate. My own brother wrote out the complaint and sent it to the Magistrate but he does not know what was done with it. If the District Magistrate and the local Magistrate—proved helpless in redressing their grievance and if according to the volunteers the D. S. P. went to the Police Station after the incident and thundered out "you pigs, have you got your reward, I will come to you soon and give you more", can you expect them to make any further complaint while in or outside the jail. Anyhow the fact is there that they were mercilessly assaulted and that they represented that fact to the authorities on the very same day. Remember, when I had the first reliable information about the occurrence, I wired to the Diwan requesting that a personal inquiry must be instituted by him because I knew that it would be very very difficult even for the Police Commissioner to seize only the truth and to prevent such occurrences. Some of the other Hon'ble Members also brought the matter to the notice of the Government and at the earliest opportunity I came to Ernakulam from Tellicherry and interviewed the prisoners. They told me that they were ill-treated. Thus we are morally convinced that the volunteers were subjected to most brutal attacks by the Police, and then to be told that nothing has happened and to be asked to accept it

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as gospel truth is a thing which is repugnant to our conscience and unbearable. What are the Government saying? They say that there is no proof for the occurrence. Are there not cases, I ask, in which difficulties may be found to formally prove true facts and will Government deny justice to approved persons in such cases. I personally believe that the Diwan is absolutely innocent in this matter and the Police Commissioner may also be innocent. But I assert with all the force and fervour I can command that the subordinate Police are guilty of several of the charges levelled against them. I speak with emotion, not because one of my brothers was beaten, please don't be under that impression. I am not in favour of Satyagraha, and I tried my best to prevent it. I was not a sympathiser of Saytagraha though the grievances of the movement have my full sympathy. I even sent a messenger from Tellicherry to disuade my friends from launching Satyagraha. It will be impossible to live in this land if we are going to allow such outrages to go unheeded if we give licence to the Police to encroach upon the private rights of citizens. I look up with concern to the consequences of such an unhealthy development in our State, and hence my feeling in speaking on this resolution.

We are normally convinced that the volunteers have been assaulted. Is it fair I ask, on the part of the Government to sit quiet and say there is no proof? The Government have not shown any regard for the feelings of the people who ask for an open enquiry to see whether there is proof. Will that be conducive to the good relations between the rules and the ruled for which we are all working so earnestly. At least for creating public confidence a careful and impartial enquiry should be ordered.

My friend the Hon'ble Member for Trichur has been pleased to oppose the resolution. I have no quarrel with him. It has been his tradition to oppose all resolutions which are useful according to us. I can't help saying that there has not come up any important matter in this Council on which he has not struck a discordant note. I may inform him that the alleged assault of the volunteers was not a point in this negotiations between the Government and the mediator. Since the Satyagrahis understood the real attitude of the Government from Mr. Abdrahiman they felt sorry that they disobeyed law. As a matter of fact the Diwan was sympathetic but Satyagrahis were not aware of it when they started Satyagraha. When they knew that the Government were sympathetic towards the cause they said "we are not going to go forward with the Civildisobedience programme" and the Government said "we are not going to proceed with the prosecution",

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and they withdrew the cases. How does such a settlement include the charge against the Police of wanton assault on the Satyagrahis. My Hon'ble friend for Trichur simply misunderstands the position and says that the whole thing has been settled. I respectfully submit that there is enough material to think that the charges levelled against the Police are quite true. I hope the Government understands me and knows me well and I am sure that my support to this resolution will be rightly understood by the House.

The House rose for lunch at 2 p.m. and met again at 3 p.m. with the Deputy President in the Chair.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം.—സർ, സമാധാനപരമായി സത്യഗ്രഹമനുഷ്ഠിക്കുവാൻ ചെന്ന ധർമ്മഭടന്മാരെ, ഗവർമ്മെണ്ടി ന്റെ ശ്രദ്ധയെ തല്പരതയായി കഷ്ടകന്മാരുടെ അവശതകളിൽ പതിപ്പിയ്ക്കുന്നതിനുള്ള കേവലം ഒരു പ്രദർശനത്തിനു വേണ്ടി ചെന്ന സത്യഗ്രഹഭടന്മാരെ മൃഗീയമായ വിധം തല്ലുകയും വളരെ പേരെ ഒരു ചെറിയ മുറിയിലിട്ടു ശ്വാസം മുട്ടിയ്ക്കുകയും കുടിപ്പാൻ വെള്ളം പോലും കൊടുക്കാതെ വിഷമിപ്പിയ്ക്കുകയും ചെയ്ത സംഗതികളുടെ വാസ്തവത്തെ ഒരു നിഷ്പക്ഷമായ കമ്മിറ്റിയുടെ അന്വേഷണത്തിനു വിട്ടുകൊടുക്കണമെന്നുള്ളതാണ് ഈ പ്രമേയത്തി ന്റെ ഉദ്ദേശം. എത്രയും മിതമായ ഒരാവശ്യം മാത്രമാണിതു്. ഇതിന്റെ അനുഭവസ്ഥന്മാരായ സത്യഗ്രഹഭടന്മാർ വിവരിച്ചിട്ടുള്ള പോലുള്ള സംഗതികളെല്ലാം അന്വേഷണസ്ഥലത്തു നിന്നും സ്വീകരിച്ചിട്ടുള്ളതായേ ഈ പ്രമേയം കൊണ്ടുവന്ന കൂട്ടരെന്നു പറയുന്നതിൽ യാതൊരു അർത്ഥവുമില്ല. സത്യഗ്രഹഭടന്മാരുടെ അവലാതി പല പത്രങ്ങളിലും പുറപ്പെട്ട റിപ്പോർട്ടുകൾമൂലം നാം കണ്ടുകഴിഞ്ഞു. ടി വിഷയത്തിൽ കൊച്ചിരാജ്യത്തെ പൌരാവലി പല യോഗങ്ങളുംകൂടി നിശ്ചയങ്ങൾ പാസ്സാക്കി തങ്ങളുടെ പ്രതിഷേധം രേഖപ്പെടുത്തിക്കഴിഞ്ഞു. ഇതു കണ്ടു പ്രധാനമായ ഒരു സംഗതിയുടെ വാസ്തവം എന്താണെന്നു് ഒരു നിഷ്പക്ഷ ബുദ്ധിയോടു കൂടി അന്വേഷിയ്ക്കുന്നതിനു് ഒരു കമ്മിറ്റിയെ നിയമിയ്ക്കണമെന്നുള്ളതാണ് ഈ പ്രമേയത്തിന്റെ ഉദ്ദേശം. ഇതിൽ അക്ഷം ഒരു എതിരഭിപ്രായം ഉണ്ടാകുമെന്നു വിചാരിയ്ക്കുവാൻ ഞങ്ങൾക്കു മാർഗ്ഗവും കാണുന്നില്ല. നടന്നതായി പറയപ്പെടുന്ന സംഗതികളെല്ലാം വാസ്തവമാണെന്നും അതിനു് ഉടനടി എന്തെങ്കിലും നടപടി നടത്തി കുറ്റക്കാരെ ശിക്ഷിയ്ക്കണമെന്നും ഉള്ള ഒരു പ്രമേയമല്ല ഇവിടെ കൊണ്ടുവന്നിരിയ്ക്കുന്നതു്. നേരേ മറിച്ചു സംഗതികളുടെ വാസ്തവാവസ്ഥകളെ അന്വേഷിച്ചു് അതിനൊരു തീരുമാനമുണ്ടാക്കുവാൻ പ്രാപ്തിയുള്ള ഒരു കമ്മിറ്റിയെ നിയമിക്കണമെന്നു മാത്രമാണു് ഈ പ്രമേയം കൊണ്ടാവശ്യപ്പെട്ട

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ന്നതു്. അതിനാൽ ഇതു് ഒരമിതമായ ആവശ്യമല്ല. ഇതുപോലും മിതമായ ഒരാവശ്യത്തെ സംസന്തോഷം ഗവമ്മെണ്ടു സ്വീകരിയ്ക്കുണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം.

ഈ സംഗതികളെല്ലാം കഴിഞ്ഞുപോയതായതുകൊണ്ടു് ഇനി അതിനെ പറ്റി അനാവശ്യമായിട്ടുള്ള ആവശ്യമില്ലെന്നു ചില അനുദ്യോഗസ്ഥ മെമ്പർമാർ പറയുകയുണ്ടായതു്. അവർ വെറും ഒരു ഭിന്നാഭിപ്രായം പറയണമെന്നു വിചാരിച്ചു മാത്രം അങ്ങിനെ പറഞ്ഞതാണെന്നേ ഞാൻ വിവക്ഷിയ്ക്കുന്നുള്ളു. ഏകദേശം 150 സത്യഗ്രഹഭടന്മാരെയാണു് ഈ അക്രമങ്ങൾക്കു ചെയ്തതായി പറയപ്പെട്ടതു്. അവരെ അറസ്റ്റു ചെയ്തു. അവസരത്തിൽ ഏതെങ്കിലും പ്രകാരത്തിൽ ഒരക്രമം പ്രവൃത്തിയ്ക്കുണ്ടായ ആവശ്യമുണ്ടായിരുന്നോ എന്നാണു് നോക്കേണ്ടതു്. എവിടെയും അക്രമത്തെ ഞങ്ങൾ തീരെ അനുകൂലിയ്ക്കുന്നില്ല. നിയമപാലകന്മാരുടെ അറസ്റ്റിനു സ്വയം വിധേയരായും അവരുടെ ആജ്ഞകളെ അക്ഷരം പ്രതി അനുസരിച്ചും ധർമ്മപ്രദർശനം നടത്തുന്നവർക്കു മർദ്ദനമേല്ക്കുണ്ട അരാജകതയും ഈ നാട്ടിൽ വന്നു കൂടിയോ എന്നാണു ഞാൻ ചോദിയ്ക്കുന്നതു്. ബ്രിട്ടീഷിന്ത്യയിൽ പബ്ലിക്കു് യോഗങ്ങൾ നടത്തുമ്പോൾ മജിസ്ട്രേട്ടന്മാർ ഉത്തരവുകൾ കൊണ്ടു തടയുന്നു; സ്ഥലത്തു വെച്ചു പിരിഞ്ഞുപോകുവാനുള്ള ആജ്ഞകളെ അവർ കേൾക്കാതിരിയ്ക്കുമ്പോഴാണു് ലാത്തി പ്രഹരം നടത്തുന്നതു്. ഗവമ്മെണ്ടുകളുടെ ആജ്ഞയെ ബലമുപയോഗിച്ചു ലംഘിയ്ക്കുന്ന അവസരത്തിൽ ആണു് ഇപ്രകാരമുള്ള ഭീകര പ്രവർത്തനങ്ങൾ ഉണ്ടാകുന്നതു്. എന്നാൽ ഈ രാജ്യത്തു അങ്ങിനെ ഒരു സംഗതിയുടെ ആവശ്യമുണ്ടായിരുന്നില്ല. സാധുക്കളായ ഭടന്മാരോടു പോലീസുകാർ മാർച്ചു ചെയ്യുവാൻ പറഞ്ഞപ്പോൾ അവർ മാച്ചു് ചെയ്യുകയുണ്ടായി. സംസന്തോഷം നിയമശാസനങ്ങളെ സ്വീകരിച്ചവരുടെ മേൽ അക്രമം പ്രവൃത്തിയ്ക്കുന്നതിന്റെ ന്യായം എന്താണു്? അതുകൊണ്ടു് ഇവിടെ ചെയ്ത അക്രമത്തെ ബ്രിട്ടീഷിന്ത്യയിൽ നടക്കുന്നതായി നാം കണ്ടും കേട്ടുമിരിയ്ക്കുന്ന അക്രമങ്ങളോടു പോലും ഉപമിയ്ക്കുവാൻ പാടുള്ളതാണോ? അറസ്റ്റു സമയത്തു അക്രമം ചെയ്യുകൂടാതെ റിമാണ്ടിൽ വച്ചതിനു ശേഷവും കൂടി അക്രമം പ്രവൃത്തിയ്ക്കുയുണ്ടായി. റിമാൻറിൽ വച്ചിരിയ്ക്കുന്നവരെ വെറുതെ ഉപദ്രവിച്ചുവെന്നുള്ളതു ഇവിടത്തെ ഭരണകൂടത്തിനു സഹിക്കുവാൻ പാടില്ലാത്ത ഒരു അപമാനമാണു്. ബ്രിട്ടീഷിന്ത്യയിൽ ഒരിടത്തും റിമാണ്ടു പുള്ളികളെ മർദ്ദിച്ചതായി കേട്ടിട്ടില്ല. ഇവിടെ പറയപ്പെട്ടുന്ന സംഗതികൾ വാസ്തവമാണെങ്കിൽ അതു ഈ രാജ്യത്തിലെ സർവ്വ പ്രജകളുടേയും സ്വാതന്ത്ര്യത്തേയും ഹനിയ്ക്കുന്നതാണു്. ഇത്രഗൗരവമായ ഒരു സംഗതിയുടെ വാസ്തവം അറിയുന്നതിനു വേണ്ടി ഒരു കമ്മിറ്റിയെ നിയമിയ്ക്കണമെന്നു

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ള്ളതിൽ ഒരിയ്ക്കലും അമിതമായ ഒരപേക്ഷയില്ല. അതുകൊണ്ട് മിതമായ ഈ അപേക്ഷയെ ഗവൺമെണ്ടിൽ നിന്നും സ്വീകരിച്ച് ഇതിന്റെ വാസ്തവ സംഗതി പൊതുജനങ്ങളുടെയിടയിൽ പ്രസിദ്ധപ്പെടുത്തേണ്ടതാണ്. അല്ലാതെ ചിലർ ആക്ഷേപിക്കുന്നതുപോലെ രാജ്യത്തിൽ എന്തക്രമങ്ങൾ നടന്നാലും നിയമസഭ അതിന്റെ വഴിക്കു പോകുമെന്നും ചില സ്വാർത്ഥപക്ഷക്കാരുടെ എന്തക്രമങ്ങളേയും വെള്ളയടിച്ചുകൊള്ളുമെന്നും പറയാൻ ഇടവരുത്തരുത്. ഈ നാട്ടിലെ യഥാർത്ഥമായ പൊതുജനാഭിപ്രായത്തെ ഈ നിയമസഭ പ്രതിബിംബിക്കുന്നുവെന്നുള്ള സൽപേരിനെ അർഹിയ്ക്കുവാൻ വേണ്ടിയെങ്കിലും ഉദ്യോഗസ്ഥമെമ്പർമാരെല്ലാം ഈ പ്രമേയത്തെ സ്വീകരിക്കയും അനുദ്യോഗമെമ്പർമാരിലാരും തന്നെ ഇതിനെ പ്രതിഷേധിയ്ക്കാതെ ഏകയോഗക്ഷേമമായി അനുകൂലിയ്ക്കുകയും ചെയ്യണമെന്നപേക്ഷിച്ചുകൊണ്ട് ഞാൻ ഈ പ്രമേയത്തെ ശക്തിയായി അനുകൂലിയ്ക്കുന്നു.

Mr. Thomas Manjuran.—Sir, the Commissioner of Police has placed before the House a fairly exhaustive account of the Government case and I do not therefore feel called upon to make any long speech. I may at the outset state that I appreciate the moderate tone and the sincere manner in which the resolution was moved and discussed from the non-official side. Of course in a matter like this nothing but a dispationate consideration of the question can ever lead us to light. The non-official members of the House I am sure are very well aware that Government has been deeply struck with the rather bad predicament in which the agriculturists find themselves to-day for no sins of theirs. And I hope the non-official members and the Government are not sparing any afforts whatsoever in trying to find out ameliorative measures. If that amount of expeditiousness, which is pressed for from the non-official side and is desired by the Government, cannot be evinced in a matter like this. It is not due to the tardiness of the Government but rather it is due to the inherent difficulties. The unfortunate incident which is the subject matter of the resolution has to be considered in a dispationate manner. We have to consider it from the view point of a non-biassed third party, fully endowed with responsibilities and confronted with the difficulties inherent to the matter. The complaint is that some police officials, either on account of their over enthusiasm or on account of the exigencies of the situation, are alleged to have used more force than was necessary in dealing with these Satyagraha volunteers. The question to be considered is whether a case has been made out for the appointment of a committee of enquiry. The ordinary principles that should guide the appointment of a Committee should be kept in mind here. What are the facts of the present

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case? On the 22nd Vrischigam a batch of 21 volunteers were arrested and are alleged to have been ill-treated. Again on the 26th Vrischigam another batch of 20 people are alleged to have been arrested and ill-treated. It is on the strength of the alleged ill-deeds of the police that the enquiry is now sought. The Government, in considering whether a committee is to be appointed or not, have to consider whether an acceptable cause has been made out with regard to the factum of the alleged excesses. Again the Government has to consider whether they are to ignore the enquiry conducted by very responsible officers of the Government. Hon'ble members will remember that it is a case where an enquiry was made by one of the most responsible officers of the State, in fact by the person who is primarily responsible for the peace of the country, *viz.*, the District Magistrate. I do not think that I should read the long and elaborate reports made by the District Magistrate and the Superintendent of the Sub Jail. I need only state here that an elaborate report was submitted by the District Magistrate and another fairly elaborate one by the Superintendent of the Sub-Jail showing that on the merits and probabilities this version of ill-treatment cannot be accepted. The main points raised in the reports are these. On the very day of the first arrest the District Magistrate visited the Jail. He says that absolutely no complaint of any ill-treatment was made to him. That statement is corroborated by the report of the Superintendent of the Jail to the effect that no complaints were made to him. It is also seen now that no written complaint has seen the light of day. Now we shall turn to the arrest on the 26th, where we are sure to find some more light. Unlike the Satyagrahis arrested on the 22nd these Satyagrahis arrested on the 26th were not kept in Jail. They were let off with a warning soon after the arrest. It is remarkable that not one complaint was made by these people who were arrested and released on that day. I really fail to understand how those who were let off and allowed to return to their homes did not put in any complaint if they were really ill-treated. If there were injuries they could have at least obtained certificates from private doctors and they could have preferred complaints. Nothing of the sort was done. I cannot for a moment accept the explanation that in spite of the ill-treatment they did not care to complain.

Mr. K. Ayyappan.—What about the complaint given to the local Magistrate?

Mr. Thomas Manjuran.—It is denied. We shall ignore it for the time being. We shall come back to that afterwards.

Now is not this version of ill-treatment highly improbabalised by this important circumstance? There was absolutely no res-

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traint on them. They were sent out on the 26th, the day on which they were arrested. There was nothing preventing them from complaining if they had injuries. Why did they not complain ?

Mr. K. Mohamed Seethi.—Did they not report before the Civil Surgeon and ask for a certificate?

Mr. Thomas Manjuran.—It is stated that it is not true. If the Civil Surgeon refused them certificates what precluded them from obtaining certificate from private practitioners. There are a number of private practitioners here, some of whom are even England returned men.

Mr. K. Mohamed Seethi.—We have got that.

Mr. Thomas Manjuran.—If, as a matter of fact, certificates have been obtained, why do not you produce them?

In the absence of any such tangible evidence Government are constrained to be critical about these allegations of ill-treatment. They never made complaint to any one. We are besides the complainants in this matter. The movement of so-called Satyagraha has already been withdrawn unconditionally. If they had such grievances why could they not have insisted upon adequate redress before withdrawing the movement? Hon'ble members should not be under the impression that I am indulging in any special pleading. When Hon'ble members press for the appointment of a committee of enquiries they should not forget the fact that the Government has, before allowing such an extraordinary request, to be satisfied that a proper case has been made out. Here is a cry raised against the conduct of certain low paid police officials. They are alleged to have behaved in a high handed manner. Before these officers are asked to stand an enquiry should not the Government consider whether any *prima facie* case has been made out. If out of the arrested persons several received serious injuries how is it there is no reliable record of these injuries?

Mr. K. Mohamed Seethi.—There are records. It is to prove them that we want a committee.

Mr. Thomas Manjuran.—Then why do not you produce them? I can only say that all these are relevant facts. On the other hand there was an enquiry by the highest officer responsible for the preservation of order in the State and another by the Superintendent of the Jail. The reports submitted by these officers send to falsify these allegations. I do not think that in view of these inportant considerations, any disinterested persons will blame the Government if they refuse to appoint any committee of enquiry.

Mr. M. A. Chakko.—Sir, the question before the House now is whether a committee should be appointed to make an

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open and impartial enquiry. It may be granted that some Satyagrahis got beaten by the over-enthusiasm of the police who were asked to keep the peace. Now if such a thing happened the ordinary method is for the party aggrieved to go to Court and get redress. Now the method suggested is to form a committee to enquire into it. Of course that request, on the face of it is not easily understood. But the matter was explained to the House; the House has to consider the other aspects of the case and see whether under the extraordinary circumstances a committee is to be appointed or not. The ordinary rule or law of the land is not to get committees to enquire into offences committed by any private individual or even the police. But under the peculiar circumstances that have arisen, whether a case for this extraordinary procedure of getting a committee appointed to enquire into such a matter has been made out or not, is the point we have to consider now. I may say from what we heard from the discussions in the House on the subject we are led to believe that the consensus of opinion of the Hon'ble Members of this House is that the police are not very aggressive. Tribute has been paid to the Police by no less a person than the Hon'ble member for Cheruthuruthi and also by the Hon'ble member for Palluruthi. So this House may proceed on some sort of assurance that the Police are not usually so bad as it is apprehended. Then looking at the opnosite party, I mean the Satyagrahis, there is nobody to own them. Speaker after speaker has been disowning them. No one wants the Satyagrahis and Satyagraha. Yet the Satyagrahis say that they represent the Karshakans of the Cochin State. The Karshakan would be very glad if they are saved from their friends. Yet the Satyagrahis would plead for the agriculturists of this country. So putting the police and the Satyagrahis side by side, we see Hon'ble members of this House and respectable citizens of the State speaking well of and giving encomiums to the police. Even the Hon'ble Member for Muslims himself is not in a position to say that the Satyagrahis were right in taking the law into their own hands. The position is this. House is asked to go out of its way to constitute a body to investigate a case which recommends itself neither to the Karshakans nor to the best Hon'ble Member to the Council, not even to the Hon'ble Member for Muslims who is particularly interested in Cranganur, where the movement originated. Is it a case where this House should go out of its way to appoint a committee ? I think there has been no precedent for such a procedure in the eight or nine years' existence of this House. I speak subject to correction. This would be the first committee to be appointed to enquire into a matter like this. I should think that such a matter should at least be

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recommended by persons who have some interest in it, either in this House or outside. If real injury has been done and a criminal offence has been committed in the premises of the Police Station, in the open bazaar on the day when important responsible officers of the Government were within their easy reach, the aggrieved party had opportunities to move the authorities, I should think it would have been proper for those who are aggrieved or who had any interest in those who are aggrieved to go to the courts and set the law in motion. Of course in a criminal matter like this where a citizen of the State is beaten by the Police in the public street it should have been possible for any sympathiser or friend to go and inform the matter to the superior police authorities or the magistracy and get them to take action. There have been instances where the aggrieved party himself is not in a position to take measurers to get redress in courts of law, others interested go and set the law in motion. For instance the Hon'ble Member for the Depressed Classes Mr. Vallon has been requesting the House that when his people or people of his caste are beaten by the public they are not able to set the law in motion; the police must do it. He never asked for a committee to be appointed or a standing committee of this House must be there to set the law in motion. I speak rather pointedly on this subject because I feel that the Satyagrahis have no backing in the country. If they had some backing I would have been the first person to say that a committee should have been appointed. Because the public are insulted and when their representatives are insulted. Here the Satyagrahis are nobody's representatives. For these reasons I say that the appointment of a committee will not be a right step for this Council to take.

Mr. I. N. Menon.—Mr. President, Sir, so far as I can see there are two main grounds on which the appointment of the committee was urged by the mover of the resolution and those who thought with him. The first thing was that Government had no definite information with regard to the things that had happened in connection with this agitation. The second one was that they have so far made no enquiry and therefore at least the first enquiry should be made. It appears to me with regard to the first point to make capital out of the Government's inability to answer questions at the question time, how many times the Government have opened the cell doors, how many times the prisoners were let out, etc., and Government say that they want notice. These are all trivial questions. The charge that Government have no information relevant to this issue I submit, Sir, it is puerile.

Mr. T. K. Nayar.—What about the Jail rules?

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Mr. I. N. Menon.—Sir, I referred to the actual happenings and not to the rules. In the second place it appears to me to be very astounding that when quotations from official correspondence have been read members still persist in saying that no enquiry has been made. Sir, I can understand members refusing to argue. But I cannot understand why members refuse to listen.

Lastly, Sir, if anything untoward has happened and if there are really aggrieved people there is the ordinary routine machinery of law to which these people can appeal. A committee of this kind would be relevant if the allegations are not comprehended by the ordinary machinery of law. For these grounds I strongly oppose the appointment of a committee which is altogether uncalled for.

Mr. K. Mohamed Seethi.—I move for the closure of the discussion.

Mr. T. K. Nayar.—I second it.

Motion put and carried.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഈ പ്രമേയം ഏറ്റവും പ്രധാനമായ ഒന്നാണെന്നുള്ളതിനു് ഒരു ഒന്നാംതരം തെളിവു് ഇപ്പോഴുള്ള മെമ്പർ ഇതിനെ എതിർത്തതുമാത്രമാണു്. (ഹീയർ, ഹീയർ) അദ്ദേഹം ഇതിനെ എതിർത്തതുകൊണ്ടു് ഒഫിഷ്യൽ സൈഡിനു് അതൊരു താങ്ങായിഎന്നു് അതും തെറ്റിദ്ധരിയ്ക്കേണ്ട. ഞങ്ങളുടെ ഭാഗത്തുള്ള ധാരണ അദ്ദേഹം ഒരു നിശ്ചയം എതിർത്താൽ അതു വളരെ നല്ലതാണെന്നാണു്. അതുപോലെതന്നെ താങ്ങിയാൽ വളരെ മോശവുമായിരിക്കും.

Mr. A. Sankara Poduval.—Are Members allowed to make personal references. Under Rule 25 it is not allowed.

Mr. K. Ayyappan.—It is not a personal reference.

മറ്റൊന്നും ഉണ്ടായിട്ടില്ല എന്നു ഗവൺമെൻറു പറയുന്നതു കൊണ്ടുമാത്രം മറ്റും ഉണ്ടായിട്ടില്ല എന്നു വിശ്വസിക്കുവാൻ നിവൃത്തിയില്ല. ഗവൺമെൻറ്റുള്ളതു് ഇല്ലെന്നു പറഞ്ഞേയ്ക്കും. ഇതിനെ ഒരു സങ്കടർ ഹജൂരിൽ നിന്നും വകുപ്പധ്യക്ഷന്മാർക്കു അയച്ചിട്ടു പിന്നീടു പിൻവലിക്കുകയുണ്ടായി. അതു് എല്ലാവർക്കും അറിവുള്ളതാണു്. എങ്കിലും അങ്ങിനെ ഒരു സങ്കടർ അയച്ചില്ല എന്നു ഇവിടെ ഗവൺമെൻറു പറയുകയുണ്ടായി. ഗവൺമെൻറു മെമ്പർമാർ ഇങ്ങിനെ കല്പിച്ചു നുണകൾ ചിലപ്പോൾ പറയാറുണ്ടു്. (ചിരി)

Rama Varmha Tampuran.—Sir, I offer a word of personal explanation. Though the circular went out of the office it was never issued by the Government. It is quite true that a circular went out of the office. But it had not been passed by the Diwan. I should like to say that the mistake happened due to an error in the fair copying department. As soon as the mistake was found out the circular was withdrawn.

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മിസ്റ്റർ കെ. അയ്യപ്പൻ.—സമ്മതിച്ചാൽ വിഷമമില്ലാത്ത സംഗതികളിൽ നുണപറയുന്ന ഗവൺമെൻറ് സമ്മതിച്ചാൽ വിഷമമുള്ള ഈ മാതിരി സംഗതികളിൽ നുണപറയുകയില്ല എന്നു എങ്ങിനെ വിശ്വസിക്കും.

സത്യഗ്രഹികൾ പരാതികൊടുത്തിട്ടില്ല എന്നു ഒരു ആക്ഷേപം ചിലർ പറയുകയുണ്ടായി. അവർ പരാതി കൊടുത്തില്ല എന്നുവെച്ചു ഗവൺമെൻറിന് ഈ കാര്യത്തിൽ അന്വേഷണം നടത്തുവാൻ പാടില്ലായ്കയില്ല. സത്യഗ്രഹികൾ സാധാരണ പരാതി കൊടുക്കാറില്ല. ബ്രിട്ടീഷ് ന്യായത്തിൽ ഇതിനുള്ള പല ദൃഷ്ടാന്തങ്ങളും ഉണ്ട്. അവിടെ സത്യാഗ്രഹികളെ പോലീസു മർദ്ദിച്ചതിനെ പറ്റി ജനങ്ങളാണ് പരാതിക്കാരായി പുറത്തുവന്നതു്. അതുപോലെ ഇവിടേയും ജനങ്ങളാണ് പരാതിക്കാർ.

പോലീസുകാർ ഗവൺമെൻറിനുവേണ്ടി ചെയ്ത പ്രവൃത്തികളെപ്പറ്റി അന്വേഷിച്ചാൽ ഗവൺമെൻറിനെ സേവിക്കാൻ ആളുകൾ ഉണ്ടാകയില്ല എന്നു ചിലർ സൂചിപ്പിക്കയുണ്ടായി. ഉദ്യോഗങ്ങളിലിരുന്നു രാജ്യത്തെ സേവിച്ചുണ്ടാകുന്ന കൃതാർത്ഥതക്കും ഉദ്യോഗത്തിനുള്ള സമ്പളത്തിനുംവേണ്ടി എത്രയെങ്കിലും നല്ല ആളുകളെ ഉദ്യോഗത്തിനു കിട്ടുന്നതാണ്. അന്യായം ചെയ്ത ഉദ്യോഗസ്ഥന്മാരെ രക്ഷിക്കുന്നതുകൊണ്ട് ഉദ്യോഗത്തിനു ആളുകൾ കുറയുകയില്ല.

ഇതുപോലെ ഒരു കമ്മിറ്റി ഇതിനുമുമ്പ് നിയമിച്ചിട്ടില്ല; അതുകൊണ്ട് ഇപ്പോഴും നിയമിച്ചുകൂടാ എന്നു ഒരു മെമ്പർ വാദിക്കയുണ്ടായി. ഇതു വിചിത്രമായ ഒരു ന്യായമാണ്. ഈ വാദം സമ്മതിച്ചാൽ ഒരു നല്ലകാര്യവും നടത്താൻ പാടില്ലാതാകും. സ്ഥിതിഗതികൾ നിന്നിടത്തുതന്നെ അഭിവൃദ്ധിയില്ലാതെ കെട്ടിനിന്നു ദുഷിക്കുന്നിടത്തു മാത്രമേ ഈ വാദം യോജിക്കയുള്ളു. അഭിവൃദ്ധിയുള്ളിടത്തു് പ്രീസിഡണ്ടു കിട്ടുവാൻ പ്രയാസമാണ്. അവിടെ സംഗതികൾ എപ്പോഴും കൂടുതൽ കൂടുതൽ നന്നായി മാറിക്കൊണ്ടിരിക്കയാണല്ലൊ.

കമ്മിറ്റിയിൽ അനുദ്യോഗസ്ഥന്മാരെ വച്ചേകഴിയൂ എന്നു നിർബ്ബന്ധമില്ല. ഒരു ജൂഡിഷ്യൽ കമ്മിറ്റി വെച്ചു ഗവൺമെൻറ് അന്വേഷണം നടത്തിയാലും മതിയാകും.

ഏതായാലും ഗവൺമെൻറ് ഒരു വിധത്തിലും അന്വേഷണം നടത്തുന്നകാര്യം സമ്മതിക്കുമെന്നു തോന്നുന്നില്ല. ഒരു അനുദ്യോഗസ്ഥ കമ്മിറ്റിയെ പൊതുജനങ്ങൾ നിയമിച്ചിട്ടുണ്ട്. അതുകൊണ്ടു ഞാൻ ഈ നിശ്ചയം പ്രസ്സുചെയ്യുന്നില്ല.

Resolution was, with leave, withdrawn.

As the following resolutions were not moved, they were considered withdrawn.

1. Mr. Joseph Pettah.—*This Council recommends to the Government that, in auction sales of land for recovery of Land*

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Revenue Arrears, only so much land as is reasonably required for the purpose be put up for auction.

2. Mr. K. T. Mathew.—*This Council recommends to adopt* mutatis mutandis *the rules recently published by the Government of Madras regulating the order of communal representation in selecting candidates with requisite qualifications for appointments in Government servia-*

3. Mr. P. Raman Menon.—*This Council recommends to the Government to give a remission of 25 per cent more, in the land tax this year.*

4. Mr. T. K. Nayar.—*This Council recommends to the Government to dispense with the services of those Government Servants who have put in twenty years of service or more to give room for at least a small portion of the educated unemployed young men in our State.*

11. Use of Paddy in the manufacture of Arrack.

Mr. A. Eachara Menon.—"That this Council recommends to the Government that paddy may be used instead of patta in the manufacture of arrack."

I have tabled this resolution with the wrong idea that paddy could be substituted for patta. I now understand that paddy could be substituted for saccharine from which arrack is made. I would like to know from the Excise Member whether it is possible to substitute paddy in making arrack instead of saccharine that they now use.

Mr. M. P. Cherian.—We can make arrack out of paddy instead of saccharine, not as a substitute for patta.

Dr. A. R. Menon.—Patta is used for fermentation. Is it not?

Mr. M. P. Cherian.—Yes.

Resolution was, with leave, withdrawn.

As the Member was absent the following resolution was considered withdrawn.

Mr. K. Mohamed Seethi.—"This Council recommends to the Government that arrests of persons for civil debts and attachment of moveables in households maybe ordered to be stopped till the present economic depression passes away."

12. Finishing of Second Section of Enkakkad Road.

Mr. P. Kumaran Ezhuthassan.—*This Council recommends that the second Section of the Enkakkad road be taken up and finished this year itself meeting the expenses from the tender deductions of this year in the D. P. W. Budget.*

ഈ പ്രമേയത്തെ പറ്റി ഒരു സംശയം എനിക്കു ചോദിപ്പാ
നുണ്ട്. ഈ പ്രമേയം ഒരു പ്രാദേശിക സംശയത്തെക്കുറിച്ചു
ള്ളതാണ്. ഇതിൽ രണ്ടു സംശയങ്ങൾ അടങ്ങീട്ടുണ്ട്. ഒന്നാമ

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